



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1162/1
GMM:ahc

**SENATE AMENDMENT 2,
TO SENATE BILL 326**

November 4, 2015 - Offered by Senator COWLES.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete the material beginning with “investigation” and
3 ending with “cases,” on line 4 and substitute “response to those cases,”.

4 **2.** Page 2, line 1: delete lines 1 to 11 and substitute:

5 **“SECTION 1d.** 48.981 (3) (a) 3. of the statutes is amended to read:

6 48.981 (3) (a) 3. ~~Except as provided in sub. (3m) As soon as practicable, but no~~
7 later than 12 hours after receiving a report under subd. 1. alleging suspected or
8 threatened abuse, as defined in s. 48.02 (1) (b) to (f), a county department, the
9 department, or a licensed child welfare agency under contract with the department
10 shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer the
11 report to the sheriff or police department all cases of suspected or threatened abuse,
12 as defined in s. 48.02 (1) (b) to (f), reported to it. For cases of suspected or threatened,
13 As soon as practicable, but no later than 24 hours after receiving a report under subd.

1 1. alleging facts that, if true, would constitute abuse, as defined in s. 48.02 (1) (a),
2 (am), (g), or (gm), or neglect, ~~each a county department, the department, and or a~~
3 licensed child welfare agency under contract with the department shall ~~adopt a~~
4 ~~written policy specifying the kinds of reports it will routinely report to local law~~
5 ~~enforcement authorities~~ refer the report to the sheriff or police department. As soon
6 as practicable, but no later than 48 hours, exclusive of Sundays, after receiving a
7 report under subd. 1. alleging facts that do not constitute abuse, as defined in s. 48.02
8 (1) (a), (am), (g), or (gm), or neglect, a county department, the department, or a
9 licensed child welfare agency under contract with the department shall refer the
10 report to the sheriff or police department.”.

11 **3.** Page 3, line 4: delete “the investigation of the report” and substitute “the
12 investigation of the report their response to”.

13 **4.** Page 3, line 12: after that line insert:

14 “**SECTION 3p.** 48.981 (3m) (c) 1. of the statutes is amended to read:

15 48.981 (**3m**) (c) 1. If the agency or county department determines that there
16 is reason to suspect that substantial abuse or neglect has occurred or is likely to occur
17 or that an investigation under sub. (3) is otherwise necessary to ensure the safety of
18 the child and his or her family, the agency or county department shall refer the report
19 to the sheriff or police department under sub. (3) (a) 3. and investigate the report as
20 provided in sub. (3) (c). If in conducting that investigation the agency or county
21 department determines that it is not necessary for the safety of the child and his or
22 her family to complete the investigation, the agency or county department may
23 terminate the investigation and conduct an assessment under subd. 2. If the agency
24 or county department terminates an investigation, the agency or county department

1 shall document the reasons for terminating the investigation and notify any law
2 enforcement agency that is cooperating in the investigation.

3 **SECTION 3q.** 48.981 (3m) (c) 2. b. of the statutes is amended to read:

4 48.981 **(3m)** (c) 2. b. If the agency or county department employs the
5 assessment response under subd. 2. a., the agency or county department is ~~not~~
6 ~~required to~~ shall refer the report to the sheriff or police department under sub. (3)
7 (a) 3. ~~or but is not required to~~ determine by a preponderance of the evidence under
8 sub. (3) (c) 4. that abuse or neglect has occurred or is likely to occur or that a specific
9 person has abused or neglected the child. If in conducting the assessment the agency
10 or county department determines that there is reason to suspect that substantial
11 abuse or neglect has occurred or is likely to occur or that an investigation under sub.
12 (3) ~~(c)~~ is otherwise necessary to ensure the safety of the child and his or her family,
13 the agency or county department shall immediately commence an investigation
14 under sub. (3) ~~(c)~~.

15 **SECTION 3r.** 48.981 (3m) (c) 3. of the statutes is amended to read:

16 48.981 **(3m)** (c) 3. If the agency or county department determines that there
17 is no reason to suspect that abuse or neglect has occurred or is likely to occur, the
18 agency or county department shall refer the child's family to a service provider in the
19 community for the provision of appropriate services on a voluntary basis. If the
20 agency or county department employs the community services response under this
21 subdivision, the agency or county department is ~~not required to conduct an~~
22 ~~assessment under subd. 2.,~~ shall refer the report to the sheriff or police department
23 under sub. (3) (a) 3. ~~or but is not required to conduct an assessment under subd. 2.~~
24 or determine by a preponderance of the evidence under sub. (3) (c) 4. that abuse or

1 neglect has occurred or is likely to occur or that a specific person has abused or
2 neglected the child.”.

3 **5.** Page 3, line 15: after “4.” insert “and (3m) (c) 1., 2. b., and 3.”.

4 (END)